



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bradley C. Linden
Donald F. Palme, II
Peter T. Keith
Robert E. Atkinson

Serial No.: 09/121,368

Filed: July 23, 1998

For: INTRA-EXTRAVASCULAR DRUG DELIVERY CATHETER
AND METHOD

Reissue of: U.S. Patent No. 5,538,504

SUPPLEMENTAL REISSUE DECLARATION BY INVENTOR

I, Robert E. Atkinson, hereby declare that:

1. This Supplemental Reissue Declaration is intended to supplement my previous declarations filed in this reissue application.
2. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.
3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Name: **Robert E. Atkinson**

Citizen of: U.S.

Signature: _____

R. Atkinson

Date: _____

April 14, 2008

37 C.F.R. § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



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Name: Peter T. Keith

Citizen of: U.S.

Signature: 

Date: 5/21/2008

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Name: Bradley C. Linden

Citizen of: U.S.

Signature:

Bradley C. Linden

Date:

6/1/08

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Name: Donald F. Palme, II

Citizen of: U.S.

Signature:



Date:

5/29/08

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LIMITED AUTHORIZATION TO ACT ON BEHALF OF ASSIGNEE
REGARDING CERTAIN PATENT MATTERS
EFFECTIVE THROUGH: December 31, 1998

I, Paul W. Sandman, as Sr. Vice President, Secretary and General Counsel of Boston Scientific Corporation, Inc., the controlling corporation of:

SCIMED Life Systems, Inc.; Boston Scientific Corporation Northwest Technology Center, Inc.; Symbiosis Corporation; Meadox Medicals, Inc.; E.P. Technologies, Inc.; Cardiovascular Imaging Systems, Inc.; BSC Technology, Inc.; Boston Scientific Technology, Inc.; SCIMED Technology, Inc.; Meadox Technology, Inc.; and Boston Scientific, Limited,

hereby authorize the following registered patent attorneys (1) to act on behalf of any of the corporations identified above with regard to matters pending before the United States Patent and Trademark Office and (2) to execute documents establishing power of attorney of foreign patent agent(s)/attorney(s) with regard to matters pending before a corresponding foreign patent office:

Robert E. Atkinson	Reg. No. 36,433
David L. Cavanaugh	Reg. No. 36,476
Patricia LaMarche-Davis	Reg. No. 37,866
Luke R. Dohmen	Reg. No. 36,783
Peter J. Gafner	Reg. No. 36,517

Paul W. Sandman
Sr. Vice President, Secretary and
General Counsel

October 21, 1997
Date

STATE OF Massachusetts)
) ss.
COUNTY OF Hiddlesex)

On this 21st day of October, 1997 before me personally appeared Paul W. Sandman to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

Notary Public

H. commission expires 5/1/03